

**THE CITY OF FREDERICK ETHICS COMMISSION**  
**RULES OF PROCEDURE**

**Introduction.**

These Rules of Procedure are adopted as a guide to assist the Ethics Commission in the orderly and efficient conduct of all matters it considers in its exercise of the powers and duties set forth in the City of Frederick Ethics Ordinance (Chapter 21 of the Frederick City Code).

**Section 1 – Meetings.**

- a. The Ethics Commission will meet as often as necessary to discharge its duties. Generally, regular meetings will be held once a month on the first Monday of the month. However, a meeting may be scheduled on a different date to account for holidays or other such events. In addition, meetings may be held as often as necessary at the call of the Chair or upon request of at least two other members of the Commission.
- b. The Chair or, in the Chair's absence, the Vice Chair, shall preside at all meetings and hearings of the Commission. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by the majority of the Commission members present.
- c. The Legal Department will prepare the meeting agenda in consultation with the Chair or, if the Chair is unavailable, the Vice Chair. The presiding officer may revise the order of items on the agenda during the meeting.
- d. One or more members may participate in a meeting virtually, at the discretion of the Chair or other presiding officer.

**Section 2 – Voting.**

- a. A quorum consists of three Commission members. A member who is ineligible to vote on a particular item for ethical or other reasons is not included for purposes of determining a quorum for that item. No decision may be made in the absence of a quorum.
- b. A member shall not vote on a matter that presents a conflict of interest.
- c. Items put to a vote are decided by a majority of the members present. The presiding officer may make motions and vote on all items.
- d. A tie vote by the Commission shall be interpreted as a defeat of the motion upon which the vote was taken.
- e. In order to be put to a vote, a motion must have a second. Members' votes shall be recorded on each motion.

**Section 3 – Advisory Opinions.**

- a. An individual permitted by Ethics Ordinance to request an advisory opinion may do so by completing a form created by the Commission for that purpose and delivering it or emailing it to the City Attorney. The City Attorney will review the request form to determine whether the required

information has been provided, schedule the matter to be heard by the Commission, and notify the Chair or, if the Chair is unavailable, the Vice Chair.

b. Once the Commission decides it has sufficient information, a hearing will be scheduled. The requestor will attend the hearing to explain the facts surrounding the request, and to answer questions from the Commission. A hearing may be held virtually at the discretion of the Commission.

c. After deliberation, the Commission will provide an interpretation of the applicability of the provisions of the Ethics Ordinance to the requestor based on the facts provided by the requestor. The Commission's interpretation shall be rendered as an advisory opinion and issued to the requestor.

d. All opinions will be written without disclosing the names of any persons involved in order to maintain confidentiality. Once an advisory opinion has been released to the requestor, it is public information as further described in the Ethics Ordinance.

#### **Section 4 – Filing a Complaint.**

a. An individual may file a complaint by completing a form created by the Commission for that purpose and delivering it or emailing it to the City Attorney. The City Attorney will review the complaint form to determine whether the required information has been provided, schedule the complaint to be reviewed by the Commission, and notify the Chair or, if the Chair is unavailable, the Vice Chair.

b. Once the Commission reviews the complaint, the Commission may dismiss the complaint, direct the City Attorney to investigate the allegations to aid the Commission in its initial evaluation of the complaint, or set a formal hearing on the complaint. The Commission shall notify the complainant in writing of its initial determination.

c. All actions regarding a complaint are confidential until a final determination is made by the Commission.

d. At the hearing on the complaint, the complainant and individual who is the subject of the complaint may present evidence and cross-examine witnesses. All testimony will be taken under oath. A hearing may be conducted virtually at the discretion of the Commission.

e. At the conclusion of the hearing, the Commission will issue a formal written decision that includes findings of fact and conclusions of law based on the evidence presented. The written decision shall be sent to the complainant.

f. Once a written decision is issued by the Commission, the decision is public information and is available for public inspection and copying.

#### **Section 5 – Conduct of Commission Members.**

a. Only the Chair or other member designated by the Commission may represent the Commission in speaking on behalf of the Commission.

b. No Commission member shall publicly comment on the merits of a matter that is before the Commission or that can reasonably be expected to appear before the Commission.

c. The Commission recognizes that impartiality and fair-mindedness is critical to the decision-making and integrity of the Commission. The Commission must remain neutral since even the appearance of bias threatens the integrity of the Commission and compromises its effectiveness. Therefore, members of the Commission shall not use the Commission for political purposes, either to benefit themselves or another.

d. Sanctions for violations of this section include private reprimand; public reprimand; and request by the Commission for the removal of a Commission member by the Board of Aldermen.

#### **Section 6 – Amendments.**

Amendments to these rules of procedure may be introduced at any meeting of the Commission and voted on at any subsequent regular meeting.

#### **Section 7 – Suspension of Rules.**

Any provision of these rules not governed by the City Charter or the City Code may be temporarily suspended by an affirmative vote of a majority of the Commission members present. The vote of any such suspension shall be taken and entered into the record.

Approved by the Ethics Commission:

  
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Richard L. Stup, Chair

  
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Date

